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Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
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Discussion paper submitted by France, on behalf of the European Union, entitled "Contribution to the work of the Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects"

1. With a view to continuing the discussion launched in its written contribution circulated at the first session of the Preparatory Committee for the 2001 United Nations Conference (A/CONF.192/PC/6 of 10 March 2000), the European Union wishes first of all to clarify the work on the six clusters which it highlighted.

2. Future discussions on these clusters could cover aspects of prevention such as reduction, including, in particular, specific measures to be developed in post-conflict situations. Similarly, each cluster could cover supply- and demand-side aspects of small arms and light weapons (SALW) and contribute to tackling the economic, social and development aspects of the questions addressed. Confidence-building and security measures should, lastly, be addressed under each of the clusters identified.

3. First cluster: Prevention of illicit acquisition, transfer, transit and circulation of SALW

(a) At the national level: the countries undertake to (i) make the production of SALW subject to authorization; (ii) reinforce their systems for issuing licences or permits for the export and import of SALW; (iii) develop the certification of final recipients; (iv) record transactions of SALW; (v) establish a restrictive national legislative and/or regulatory framework for SALW, including criminal penalties and effective administrative control.

(b) At the international level: in accordance with their national practices and existing international commitments, and guaranteeing a degree of transparency compatible with the requirements of confidentiality, the countries undertake to exchange information on (i) the routes followed by illicit trafficking; (ii) the SALW seized and destroyed; (iii) their support for multilateral and bilateral initiatives designed to curb the illicit trafficking of SALW. They also undertake to facilitate the implementation of the Protocol Against the Illicit Manufacturing of and Trafficking

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in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organized Crime. Lastly, they undertake to develop, in liaison with the relevant international organizations, exchanges geared towards the development of mutual legal assistance and the establishment of national and regional training programmes for the departments responsible for law enforcement and customs.

4. Second cluster: Commitments regarding the control of production, transfer, acquisition and holdings of SALW in accordance with legitimate national and collective defence and internal security interests, and destruction of surplus weapons

(a) The countries undertake to implement a policy of restraint with regard to SALW and will ensure that these are held only under government control at levels consistent with legitimate security interests. They will be produced and transferred only in compliance with this policy of restraint.

(b) Exporting countries undertake to supply SALW only to Governments, either directly or via bodies duly authorized to purchase weapons on their behalf, in accordance with restrictive regional and international criteria for arms exports.

(c) The countries undertake, preferably, to destroy SALW exceeding their legitimate security needs (i.e. surplus weapons).

(d) The countries undertake to prevent transfers of SALW which might:

1. Be used for the purposes of infringing or quashing human rights and fundamental freedoms;

2. Threaten peace, security and regional stability;

3. Contravene international commitments, particularly sanctions laid down by the United Nations Security Council, or agreements, particularly on non-proliferation, and other international obligations;

4. Be likely to provoke or prolong armed conflicts or exacerbate existing tensions or conflicts in the country of final destination;

5. Be re-routed within the purchasing country or re-exported from it in undesirable circumstances;

6. Support or encourage terrorism or organized transnational crime;

7. Be used for purposes other than the legitimate internal defence and security of the recipient country, including its capacity to take part in peacekeeping operations conducted by the United Nations or other regional organizations;

8. Exceed the technical capabilities of the recipient country, or exceed its ability to ensure effective management and security of its stocks.

5. Third cluster: Collection, control and destruction of illicit SALW

(a) The countries undertake to incorporate measures for the collection, control and destruction of illicitly held SALW into the terms of reference for peacekeeping operations.

(b) The countries undertake to incorporate, where appropriate, a specific section devoted to secure storage and management of SALW into peace agreements.

(c) The countries undertake to give priority to the process of destroying SALW, paying attention to the fact that administrative management procedures should not slow down the reduction process under way.

(d) The countries undertake to adopt minimum standards for defining the deactivation, decommissioning and destruction of SALW.

6. Fourth cluster: Strengthening of international cooperation among police, intelligence, customs and border control

The countries undertake to combat illicit trafficking in SALW by adopting and implementing national controls, including physical border controls and customs cooperation mechanisms, and by strengthening cooperation between police, customs and justice departments at the international (International Criminal Police Organization (Interpol), World Customs Organization (WCO), Southern African Regional Police Chiefs Cooperation Organization (SARPCCO)), regional and national levels.

7. Fifth cluster: Marking, recording and tracing of SALW

(a) The countries undertake to adopt the measures necessary at the national level to establish and implement a reliable system of universally recognized marking, at a reasonable cost, making it possible to determine the origin of SALW (i.e. the company of manufacture, its location and the unique serial number of each weapon).

(b) The countries undertake to prevent the manufacture and transfer of SALW which do not bear the marking guarantees described above in subparagraph (a). They undertake to mark, when necessary, SALW which might be downgraded from existing stocks.

(c) The countries undertake to mark or destroy non-marked SALW which might be collected, confiscated or seized.

(d) The countries undertake to keep, for a long period, national registers of SALW, covering aspects of production, stocks and transfers.

(e) The countries undertake to develop cooperation between them and their cooperation with international organizations in order to ensure the tracing of SALW, particularly by strengthening mechanisms based on exchanges of information.

(f) The countries undertake to develop exchanges of information relating to their legislative and regulatory frameworks and current practices in the areas of marking, recording and tracing.

8. Sixth cluster: International cooperation and assistance

(a) The countries undertake, by implementing assistance and cooperation mechanisms, to take account of recipients' commitment to complying with the principles under the second cluster and of their respect for human rights and international humanitarian law and the safeguarding of the rule of law, as well as of their international commitments, particularly existing peace treaties and international agreements on arms control.

(b) The countries express their willingness to assist, on express request, countries requiring technical and financial support for the control and destruction of surplus SALW. They would take specific measures in relation to SALW, such as their collection, entirely secure storage and destruction, particularly in post-conflict situations where questions of demobilization, disarmament and rehabilitation of former fighters must be regarded as a priority.

(c) The countries undertake to develop cooperation and assistance mechanisms for standards and principles relating to SALW (strengthening legislative and regulatory control frameworks), combating illicit trafficking, management and security of stocks, prevention of conflict and post-conflict stabilization.

(d) The countries undertake to facilitate the mobilization of civil society for the prevention and reduction of the destabilizing effects associated with the uncontrolled accumulation and spread of SALW, as can be demonstrated by high levels of crime and violence, and to promoting a culture of peace.

9. Seventh cluster: Follow-up to the Conference

The countries undertake to examine progress in the implementation of these measures and, where appropriate, to establish any new follow-up bodies or mechanisms required. They also undertake to assess the impact of these measures on the spread of SALW by submitting national reports to the Secretary-General during the five years following this Conference.